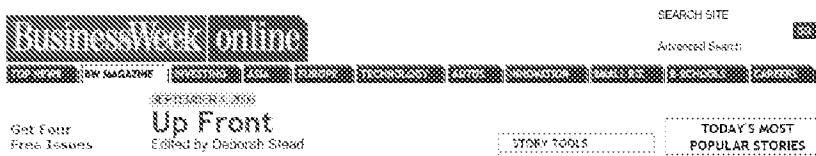


REMARKS

This Amendment is in response to the final Office Action mailed August 15, 2006, and is being submitted with a Request for Continued Examination and the requisite fees.

Claims 1-5, 9, 11 and 12 were rejected as being anticipated by Chung et al. (hereinafter "Chung"). Reconsideration and withdrawal of these rejections are respectfully requested.



KICKING WIKI OUT OF THE PATENT OFFICE

Patents are enduring, conferring rights on their owners for up to 20 years. Yet until about a week ago, scores of them may have been granted based partly on information that can be altered with a keystroke from anyone surfing the Web.

On Aug. 15, the U.S. Patent & Trademark Office yanked Wikipedia from the digital toolbox its examiners use to help determine a patent application's validity. But over the past several years, examiners used the online encyclopedia, which allows users to edit entries, to inform their decisions. Wikipedia has been cited in patent decisions on everything from car parts to chip designs.

"The problem with Wikipedia is that it's constantly changing," Patents Commissioner John Doll said. "We've taken Wikipedia off our list of accepted sources of information." An agency spokesperson said inquiries from *BusinessWeek* about the use of Wikipedia led to the policy shift.

Critics say the change is long overdue. "I've been complaining about this for years," says Greg Aharonian, publisher of a patent newsletter and a longtime agency gadfly. "From a legal point of view, a Wiki citation is toilet paper." Doll says the agency used Wikipedia entries as background and not as a basis for accepting or rejecting an application.

By Lorraine Woellert

At the outset, it is respectfully submitted that the Office has removed Wikipedia from its list of accepted sources of information, on August 15, 2006, the mailing date of the outstanding Office Action, as shown above in the "BusinessWeek Online" story of September 4, 2006. The Examiner's rejections of the claims, being wholly or partially dependent upon a fully discredited

source of information, are, therefore, untenable and must be withdrawn. As such the rejections relying upon Wikipedia are not discussed further herein.

Independent Claim 1 and Its Dependent Claims

In the “Response To Arguments” section of the outstanding Office Action, the Examiner states that Chung teaches, on page 4:

Regarding the new limitation cited in claim 1, it is inherent that the user in Chung will send a separate packet to each of the two central servers shown in Fig. 2 (Page 4, lines 2-5).

and,

The server of Chung scans the packets for illegal requests or parameters, which would preclude a packet from being addressed to more than one server (Col. 10, Lines 18 to 23).

It is respectfully submitted that these statements are mutually contradictory, and both wrong. Indeed, according to the Office’s interpretation, it is “inherent” that the user will send a separate packet to each of the two central servers and that the server scans packets to preclude a packet being addressed to more than one server.

It is respectfully submitted that:

- 1) both statements cannot be true at the same time;
- 2) there is no factual basis in Chung for asserting that Chung teaches (explicitly, inherently or otherwise) sending a separate packet to each of two central servers;
- 3) the Office erred in using inherency in this instance, as discussed in detail below;
- 4) the claims do not recite that the user sends packets anywhere;
- 5) Scanning packets for illegal requests at the central server cannot preclude a packet from being addressed (which happens in Chung at the handheld/PC) to more than one server, contrary to the Office’s assertion. Such a scanning might conceivably prevent illegal packets from reaching their addressed destination, although such is not taught or suggested by Chung.

The Examiner’s attention is respectfully drawn to the language of amended claim 1:

1. (Currently Amended) An online gaming system, comprising:

...

at least two central servers, each of the at least two servers being coupled to the network, and

at least one gaming machine coupled to the communication network, each of the at least one gaming machine being configured to play at least one game and to carry out a game transaction for each game played and to commit each game transaction to each of the at least two central servers by sending a separate transaction packet to each of the at least two central servers, each of the separate transaction packets sent to each of the at least two central servers including an identical inbound game payload.

Claim 1 explicitly requires that each gaming machine is configured to commit each game transaction to each of the (at least two) central servers. This is not the case in Chung. Moreover, claim 1 has been amended to recite that the recited transaction commit includes sending a separate transaction packet to each of the at least two central servers, each of the separate transaction packets ... including an identical inbound (i.e., inbound from the game machine to the at least two central servers, as opposed to the outbound payload from the at least two central servers to the gaming machine) game payload. Chung does not do this because, by definition, a cluster of servers appears to the handheld gaming device/PCs as a single server and there would be no need to send more than one transaction packet to a cluster of servers, and much less any need for sending separate transaction packets that include an identical inbound game payload, as required by amended claim 1. Thus, Chung cannot be said to teach the presently claimed invention. Chung does not teach any handheld gaming device/PCs that are configured to send a separate transaction packet to two or more central servers upon committing a game transaction, and does not teach that the separate transaction packets include an identical inbound game payload, as required by amended claim 1. Reconsideration and withdrawal of the §102(e) rejections are, therefore, respectfully requested.

Improper Use of Inherency

On page 5 of the outstanding Office Action, the Office has stated that “It is inherent that the user in Chung will send a separate pack to each of the two central servers shown in Fig. 2.”

Therefore, the Office relies on *inherency* as a basis for rejecting the claims. The Examiner's reliance upon inherency is misplaced, is not supported by the requisite factual basis or technical argument, is in error and does not conform with the USPTO's own standards concerning inherency.

The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. "The inherent teaching of a prior art reference, a question of fact, arises both in the context of anticipation and obviousness." In re Napier, 55 F.3d 610, 613, 34 USPQ2d 1782, 1784 (Fed. Cir. 1995) (affirmed a 35 U.S.C. 103 rejection based in part on inherent disclosure in one of the references). See also In re Grasselli, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983).

Section 2112 of the MPEP (from which the passage above was taken) specifically allows the use of inherency by USPTO Examiners when formulating rejections under §102 and §103. The MPEP also explicitly sets out the standards to be followed when using inherency. Each of the relevant (e.g., not those relating to process or method claims) MPEP §2112 standards for inherency will now be addressed in turn.

Something Which Is Old Does Not Become Patentable Upon The Discovery Of A New Property: The claiming of a new use, new function or unknown property which is inherently present in the prior art does not necessarily make the claim patentable. In re Best, 562 F.2d 1252, 1254, 195 USPQ 430, 433 (CCPA 1977).

In the present case, however, no "**new property**" is claimed. What is claimed, on the other hand, is **structure and claimed method steps**, namely methods and systems for an online gaming system. Moreover, the pending claims do not recite a "new use, new function or unknown property" that is inherently present in the prior art. Indeed, structure (e.g., gaming machine configured to commit each game transaction to each of the at least two central servers) that is not disclosed in the cited reference cannot be said to have a property, use or function – new or otherwise.

A Rejection Under 35 U.S.C. 102/103 Can Be Made When The Prior Art Product Seems To Be Identical Except That The Prior Art Is Silent As To An

Inherent Characteristic: Where applicant claims a composition in terms of a function, property or characteristic and the composition of the prior art is the same as that of the claim but the function is not explicitly disclosed by the reference, the examiner may make a rejection under both 35 U.S.C. 102 and 103, expressed as a 102/103 rejection. “There is nothing inconsistent in concurrent rejections for obviousness under 35 U.S.C. 103 and for anticipation under 35 U.S.C. 102.” *In re Best*, 562 F.2d 1252, 1255 n.4, 195 USPQ 430, 433 n.4 (CCPA 1977). This same rationale should also apply to product, apparatus, and process claims claimed in terms of function, property or characteristic. Therefore, 35 U.S.C. 102/103 rejection is appropriate for these types of claims as well as for composition claims.

In the present case, not only is the recited structure and function not disclosed in the applied reference, the teachings of the applied reference are clearly at odds with the Office’s interpretation thereof. That is, not only is the Chung reference “silent” as to each gaming machine committing each game transaction to each of the at least two servers by sending a separate transaction packet including an identical inbound game payload to each of the at least two central servers, but Chung actually explicitly teaches the exact opposite.

Indeed, note the singular form of the indefinite article “a”, when Chung refers to the single packet that is communicated with a delicate protocol.

The PC side software can either upload or download the characters and their information to the handheld device 16. The selection of either one of these two actions is done on the PC. The information to be transmitted includes, but is not limited to, serial no., character ID, Attack points, Defense points, and Magic points. The data delivered are wrapped into a packet form and communicated with a delicate protocol. (Underlining for emphasis only, Col. 7, lines 5-12)

Also, the single packet is emphasized below:

The use of the Data Structure is best shown by way of example. In a communications transaction, a message packet may come from a game player ID 200 and may be intended for game log in. The server system will therefore attempt to first ensure that game player ID 200 does exist, and has been registered before the server delivers the message packet to the game process threads. After that, a ‘HTTP session’ data object is created with a unique session ID, and the session ID is returned to the game player’s system. All subsequent transactions will include the session ID and are transmitted via secure channel (e. g. SSL). The use of the HTTP session data structure enables faster transactions since password authentication, which involves reading data from database, can be avoided by using correct IP address and session ID matching. (Underlining for emphasis only, Col. 9, lines 49-62)

It is respectfully submitted that not only is Chung specifically does not disclose that each gaming machine commits each game transaction to each of the at least two servers by sending a separate transaction packet including an identical inbound game payload to each of the at least two central servers, as required by the claim. Thus, when the applied reference specifically teaches a single packet being sent to a single server (whether clustered or not), the Office is not free to use inherency to support a factually unsupported argument to the contrary, as cautioned by the MPEPE immediately below. Indeed, the MPEP continues:

Examiner Must Provide Rationale Or Evidence Tending To Show Inherency: The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993)(reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981).

To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’ “ *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)(citations omitted)(The claims were drawn to a disposable diaper having three fastening elements. The reference disclosed two fastening elements that could perform the same function as the three fastening elements in the claims. The court construed the claims to require three separate elements and held that the reference did not disclose a separate third fastening element, either expressly or inherently.).” (Emphasis Added).

The situation here is even further removed from the facts in the *In re Robertson* case cited in the MPEP above, in that the Chung demonstrably fails to expressly or inherently disclose each gaming machine committing each game transaction to each of the at least two servers by sending a separate transaction packet including an identical inbound game payload to each of the at least two central servers, as required by claim 1. Moreover, the Office has made no showing that the missing descriptive matter is necessarily present in Chung, as required by the MPEP. Specifically, the Office has made no showing that makes clear “that the missing descriptive

matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill”, as called for by the Office’s own guide for examination of patent applications.

Moreover, the Office’s dependence upon inherency is further misplaced, as *In Re Robertson* teaches us that the applied reference must at least teach each of the claimed elements, and must teach that such elements are configured to perform the same function as the claimed elements. The “real time data exchange system” of Chung does not perform the same function as the claimed elements of the pending claims, as Chung fails to teach a separate transaction packet including an identical inbound game payload to each of the at least two central servers, as recited in claim 1. As the exchange of data is preëminently important in Chung (it is, in fact, the title of their patent), if the handheld devices/PCs of Chung were, in fact configured to send a separate transaction packet including an identical inbound game payload to each of the at least two central servers (which they are not), then surely such an important functionality would have been disclosed – but it is not.

It is further submitted that the Examiner has presented no evidence, factual basis or technical argument tending to show that persons of skill in this art would necessarily recognize the Chung’s system as having any of the functionality or structure claimed herein, as again required by the MPEP. The MPEP continues:

In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).

The Examiner, in this case, has failed to provide such a basis in fact and/or technical reasoning to support his contention that the allegedly inherent rules necessarily flow from the

teachings of Chung. The Office's statement that "it is inherent that the user in Chung will send a separate packet to each of the two central servers" does not constitute such a basis in fact or technical reasoning. Also, please note that the claims do not recite that the user sends a separate packet to the central servers, as alleged in the Office Action. Instead, the claims recite that it is the at least one gaming machine that is so configured. Again, the rejected claims do not recite an inherent characteristic or structure of the Chung's method or system, but structure, processes and steps that are nowhere disclosed or suggested therein.

These deficiencies are believed to render the Examiner's inherency argument fatally defective, again by the USPTO's own standards. It is respectfully submitted that inherency may not be used to circumvent the strict requirements of 35 USC §102, in which each and every claimed structure or process step must be present in a single reference.

Claims 6, 7 and 78

As amended, claims 6 and 7 recite:

6. (Currently Amended) The online gaming system according to claim 1, wherein the at least one gaming machine is configured to construct record a synchronization log for rebuilding one or a plurality of the at least two central servers upon failure thereof that includes identifiers of any transactions that were not acknowledged by a non-responding one of the at least two central servers after a predetermined timeout, the synchronization log being used to subsequently send the unacknowledged transactions to the non-responding one of the at least two central servers.

7. (Currently Amended) The online gaming system according to claim 6, wherein the online gaming system is further configured to be rapidly synchronized by using the synchronization log upon returning to its operational state subsequent to failing to communicate with the at least one gaming machine the non-responding one of the at least two central servers is configured to be synchronized by receiving the unacknowledged transactions directly from the at least one gaming machine subsequent to communication being re-established therewith.

New claim 78 recites:

78. (New) The online gaming system according to claim 6, wherein each of the at least two central servers includes a synchronization engine and wherein the non-responding one of the at least two central servers is

configured to be synchronized by receiving the unacknowledged transactions directly from the synchronization engine of a responding one of the at least two central servers.

Support for these amended and new claims may be found in Figs. 15, 18, 19 and corresponding written portion of the specification; namely, paragraphs [0111], [0112], [0114]-[0119] and [0180].

These claims were rejected under 35 USC §103(a), over a combination of Chung and Lomet et al. (hereafter, Lomet). Specifically, the Examiner cited col. 15, line 60 to col. 16, line 13 and claims 6 and 62 as allegedly providing, teaching or suggesting the subject matter acknowledged to be missing from the primary reference to Chung. However, examination of this passage reveals that it is the server and not the gaming machines in Lomet, which is responsible for error recovery:

Server Recovery

When restarting after a server failure, the server performs an "analysis pass" and a "redo pass" over the stable log file 96. The analysis pass starts from the most recent checkpoint log record (found by looking up the bootstrap file) and scans all log records until the end of the log. For application recovery, this pass rebuilds the active application table 114. This table 114 is re-initialized from the information in the checkpoint log record, and is then updated whenever the log scan encounters a stability notification log record for the application, which documents either an application installation point, application logging of a reply message, or application termination. At the end of the analysis pass, the server 54 knows for which applications it may have to recreate replies. It also knows a RedoMSN and a corresponding RedoLSN for each application, so that it can bound the part of the log that contains the potentially required reply log records. In addition, the analysis pass also tracks down incompletely executed requests, which need special treatment, as discussed below.

This passage details the actions taken by the server. In direct contrast, claims 6 and 7 call for the at least one gaming machine being “configured to record a synchronization log that includes identifiers of any transactions that were not acknowledged by a non-responding one of the at least two central servers after a predetermined timeout, the synchronization log being used to subsequently send the unacknowledged transactions to the non-responding one of the at least

two central servers. In this manner, the non-responding one of the central servers is configured to be “synchronized by receiving the unacknowledged transactions directly from the at least one gaming machine subsequent to communication being re-established therewith.” or “synchronized by receiving the unacknowledged transactions directly from the synchronization engine of a responding one of the at least two central servers.”, as claimed herewith.

The applied combination of Chung and Lomet does not teach or suggest any such subject matter. In fact, the Lomet reference would teach the skilled artisan away from the claimed invention, in that the skilled artisan would be lead to incorporate recovery steps outlined in the Lomet passage excerpted above into the server, and not into the gaming machines. Note that the claims specifically and explicitly call for the gaming machines (and not the server, as in Lomet) to construct the synchronization log that may be used to return the online gaming system to operational state subsequent to failure to communicate with the gaming machine(s). This appears to be a classic example of teaching away from a claimed embodiment.

Moreover, Applicants again note the improper use of inherency in the rejection of claims 6, 7 and 62 in paragraph 10 of the outstanding Office Action. Such use of inherency suffers from the same fatally defective flaws as do the previous uses of inherency, as detailed above.

New claims 63-65

New claims 63-65, dependent upon claim 1, are presented herewith. New claims 63 and 64 recite that it is the gaming machines that initiate and terminate each game session and that, as between the gaming machines and the central servers, it is the gaming machines that are the “masters” of the game transactions. Such is not taught or suggested in the Chung reference or in any combination of the applied references. Support for these new claims may be found in the originally-filed specification at, for example, in the paragraph bridging pages 18 and 19.

New claim 65 recites that, as between the at least one gaming machine and the at least one central server, only the at least one gaming machine is configured for recovery from network communication errors occurring during the game transaction. Indeed, the recited gaming machines are an active participant in the fault tolerance of the online gaming system. In this regard, see also dependent claims 6 and 7. The system of Chung does not teach that its handheld device/PC are, in any way, configured to recover from errors in game transactions, to the exclusion of the central servers 12, 20. In Chung, the handheld devices/PCs are slaved to the central system, whereas the claimed embodiments require the opposite: that the gaming machines be configured for recovering from errors (and not the central servers), that the gaming machines are the masters of the game transaction (e.g., initiating and terminating each game transaction), that the gaming machines are responsible for maintaining a synchronization log to rebuild [the trusted transactional cache of] the central servers upon failure thereof (see, e.g., the paragraph bridging pages 64 and 65 for support). The applied references simply do not teach or suggest such claimed features.

Claims 8, 10 and 13-27 were rejected as unpatentable over Chung. Reconsideration and withdrawal of these rejections are respectfully requested.

Independent Claim 13 and Its Dependent Claims

Independent claim 13 recites:

at least two geographically dispersed central servers, each of the at least two geographically dispersed central servers being coupled to the communication network,

at least two gaming machines, each of the at least two gaming machines being coupled to the communication network and being configured to carry out a game transaction for each game played, *the at least two gaming machines being configured to carry out load balancing when committing the game transactions to the at least two geographically dispersed central servers over the communication network, the load balancing including each gaming machine selecting only one of the at least two geographically dispersed central servers to which to commit the game transaction. (Italics for emphasis only)*

Therefore, claim 13 requires that the gaming machines be configured to carry out load balancing when committing the game transactions to the geographically dispersed central servers. In this regard, it is important to note that the claim requires that the gaming machines to carry out the load balancing – and not the central servers. This functionality is emphasized in the recitation “the load balancing including each gaming machine selecting only one of the at least two geographically dispersed central servers to which to commit the game transaction.” Chung does not teach or suggest any handheld device/PC carrying out any manner of load balancing when committing game transactions to the at least two geographically distributed central servers, as recited in amended independent claim 13. Chung most certainly does not teach or suggest that his handheld device/PC selected only one of at least two geographically dispersed central servers to which to commit the game transaction. If the Office believes otherwise, the Office is respectfully requested to specifically point out where such teaching or suggestion of a handheld device/PC selecting one of at least two central servers to which to commit a game transaction may be found.

The Office points to Fig. 2 and col. 1, lines 39-52 and col. 7, lines 15-20 for support of the rejection. Fig. 2 of Chung, however, merely shows two servers 12, 20 that are clustered – they appear as a single server to the clients 114, 214 and 314 – whether or not they are geographically dispersed. There is no mention, teaching or suggestion of any of the PCs 114, 214, 314 carrying out any manner of load balancing in this patent. Col. 1, lines 39-52 teaches a system for real time, full duplex communication between the server(s) and the clients. There is simply no mention in this paragraph or the remainder of Chung of any handheld gaming device/PC or any client performing load balancing. Col. 7, lines 15-20, also relied upon in the Office Action for support of the §103(a) rejection, teaches that the system may include additional

servers to service the load from the users of the handheld gaming device/PCs and that these servers may be clustered. It is respectfully submitted that there is no teaching or suggestion of any gaming machines performing any load balancing in Chung. Kindly note that it is the recite gaming machine that carries out the claimed load balancing – no such functionality is ascribed by Chung to their handheld devices/PCs that communicate with the servers 12, 20 of Chung. Lastly, the Office points to claims 14 and 20 of Chung as allegedly teaching gaming machines configured to perform load balancing. These claims 14 and 20 are reproduced below:

14. The system in accordance with claim 13, including means in said handheld devices for uploading scores of standalone playing via the Internet to the game server.

20. The system in accordance with claim 19, wherein said means for transmitting data from each of said handheld devices to said PC apparatus is a cable.

Chung's claim 14 recites that the handheld devices include means for uploading scores to the game server via the internet. Where is the teaching of the handheld devices performing or being configured to perform load balancing in this claim? The answer is that there is no such teaching of any handheld device being configured to perform load balancing in Chung's claim 14.

Similarly, Chung's claim 20 calls for a cable to transmit data from the handheld device to the PC. There is simply no reasonable interpretation of the Chung reference that could impute a teaching or suggestion of gaming machines being configured to perform load balancing, as required by claim 13.

As stated in response to the previous Office Action, the handheld gaming device/PCs in Chung have no discretion as to where to send their communication packets – they all get sent to the (clustered) game server(s) 12, 20, without any regard to load balancing. There is simply no factual basis in Chung for the Examiner's assertion otherwise. As Chung does not teach or

suggest any handheld gaming device/PC performing any manner of load balancing when committing the game transactions to the at least two geographically dispersed central servers over the communication network, the 35 USC §103(a) of claim 13 and of its dependent claims must be withdrawn. The same is, therefore, respectfully requested.

New claims 66-68

New claims 66-68 recite:

66. (New) The online gaming system of claim 13, wherein the at least one gaming machine is configured to initiate and terminate the game transaction.

67. (New) The online gaming system of claim 13 wherein, as between the at least two geographically dispersed central servers and the at least two gaming machines, the at least two gaming machines are configured as masters of the game transactions.

68. (New) The online gaming system of claim 13 wherein, as between the at least two geographically dispersed central servers and the at least two gaming machines, only the at least two gaming machine are configured for recovery from network communication errors occurring during the game transactions.

Claims 66 and 67 emphasize that it is the gaming machines (and not the central servers) that are the masters of the game transactions. Indeed, the specification, at pages 18 and 19, recite:

...in this model, the terminal is the “transaction master”, that is, a transaction 212 is always initiated at the terminal 204 and is terminated at the terminal by the printing or viewing of an acknowledgment or receipt, as shown at 224. The time axis 210 is oriented from top to bottom. Furthermore, as will be described later, the terminal is entirely responsible for the recovery of any error that may occur in the network path. In a typical transaction in which no error occurs, a user 202 initiates a transaction 212 at a terminal 204. This transaction initiation may be the result of clicking on a submit button on a dialog entry form, pressing a play button on a gaming machine or the result of a play-slip presented and scanned into a lottery scanner. Upon transaction initialization, the terminal 204 executes a process 214 concluded by the forwarding of a communication packet 216 to the network 206. The server 208 receives the inbound packet 216 on which it executes the transaction 218. At the conclusion of transaction 218, the server 208 generates and returns an outbound communication packet 220 that is forwarded to the network 206. Upon successful receipt of the packet 220, the terminal 204 examines the server acknowledge signal received at 222. Upon successful identification of the server acknowledge signal, the terminal issues a receipt 224 to the user 202 or alternatively displays the receipt.

This is not the case in the applied references, whether considered singly or in combination for what they teach and/or suggest. The handheld devices/PCs are nowhere disclosed or suggested to be the masters of the game transactions or to solely responsible for recovery of errors that may occur during a game transaction, contrary to what is claimed herein.

New claims 72 - 74

New claims 72 - 74 are submitted herewith. Such claims are similar to amended claims 6, 7 and new claim 78, respectively. Therefore, for brevity's sake, the arguments relative to the Chung-Lomet combination advanced above relative to these are equally applicable here and are incorporated herein by reference as if repeated in full.

Independent Claim 19 and Its Dependent Claims

Independent claim 19, as amended, recites:

N geographically dispersed central servers, wherein N is equal to at least two, each of the N geographically dispersed central servers being coupled to the communication network, selected ones of the plurality of gaming machines being further configured to perform load balancing when committing transactions to the N geographically dispersed central servers, the load balancing including having each gaming machine select at least one of the N geographically dispersed central servers to which to commit the game transactions and selected ones of the plurality of gaming machines being configured to commit game transactions to each of the N geographically dispersed central servers. (Italics for emphasis only)

Claim 19 specifically recites that “selected ones of the plurality of gaming machines being further configured to perform load balancing when committing transactions to the N geographically dispersed central servers, the load balancing including having each gaming machine select at least one of the N geographically dispersed central servers to which to commit the game transactions.” Neither claim 13, 14 or 19, 20 of Chung teach or suggest gaming machines configured for load balancing AND selected gaming machines select at least one of the N geographically dispersed central servers to which to commit the game transactions, as required

by claim 19. Likewise for Chung's Fig. 2, Col. 1, lines 39-52, Col. 7, lines 15-20, which figure and passages do not teach any manner of load balancing or committing game transactions to N geographically dispersed central servers. In Chung, the handheld devices/PCs merely send packets to the (clustered) game servers 12, and there is no teaching or suggestion in this reference of the handheld devices/PCs themselves performing or being configured to perform load balancing or committing game transactions to N geographically distributed central servers, as required by claim 19. Chung's disclosure that the game server is capable of full duplex communications over the Internet (Col. 1, lines 39-52) does not meet the requirements of the claim. This claimed feature that the gaming machines themselves perform load balancing when committing transactions is emphasized in claim 23:

23. (Original) The online gaming system according to claim 19, wherein each game transaction committed to each of the N geographically dispersed central servers have an identical inbound game payload comprising at least a selected set of the at least one gaming machine ID, the user/player ID, the transaction GUID, the gaming machine originating/return address, the game ID, the game bet, and the amount wagered.

There must be a teaching or a suggestion in the applied reference of the claimed subject matter for a §103(a) rejection to stand. In the present case, the Examiner has not established such a *prima facie* case of obviousness because the factual underpinnings of the Examiner's arguments do not stand up to an examination of the applied reference. Reconsideration and withdrawal of the 35 USC §103(a) rejections applied to the claims are, therefore, respectfully requested.

New claims 69-71

New claims 69-71 recite that the gaming machines initiate and terminate each game transaction, are the masters of the game transaction and are responsible for error recovery, as

detailed relative to the new claims dependent upon claims 1 and 13. The applied references, whether considered alone or in combination, do not teach or suggest any such subject matter.

New claims 75 - 77

New claims 75 - 77 are submitted herewith. Such claims are similar to claims 6 and 7 and 78, respectively. Therefore, for brevity's sake, the arguments relative to the Chung-Lomet combination advanced above relative to claims 6, 7 and 78 are equally applicable here and are incorporated herein by reference as if repeated in full.

Applicants' attorney believes that the present application is now in condition for an early allowance and passage to issue. If any unresolved issues remain, the Examiner is respectfully invited to contact the undersigned attorney of record at the telephone number indicated below, and whatever is required will be done at once.

Respectfully submitted,



Date: October 16, 2006

By: _____

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